

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

LAUREN BAKER,

Plaintiff,

v.

LENNAR CORPORATION, and
LENNAR REALTY, INC.,

Defendants,

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Civil Action No.:

1:24-cv-23766-RNS

FIRST AMENDED COMPLAINT

Plaintiff, Lauren Baker (“Baker” or “Plaintiff”), brings this complaint in the United States District Court for the Southern District of Florida against LENNAR CORPORATION (“Lennar Corporation”), and LENNAR REALTY, INC. (“Lennar Realty”) (together “Defendants”), alleging as follows:

THE PARTIES

1. Plaintiff Lauren Baker is an experienced commercial photographer, specializing in landscapes and nature photography. Baker resides in San Antonio, Florida.
2. Lennar Corporation is a corporation organized and existing under the laws of the State of Florida with its principal place of business located in Miami, Florida. Defendant’s agent for service of process is CT Corporation System, 1200 South Pine Island Road, Plantation, Florida, 33324.
3. Lennar Realty is a corporation organized and existing under the laws of the State of Florida with its principal place of business located in Miami, Florida. Defendant’s agent for

service of process is Corporate Creations Network Inc., 801 U.S. Highway 1, North Palm Beach, Florida 33408.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendants because Defendants have maintained sufficient minimum contacts with the State of Florida and as a result the exercise of personal jurisdiction over Defendants by this Court would not offend traditional notions of fair play and substantial justice.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1400(a) because Defendants or their agent(s) reside or may be found in this district: “A defendant ‘may be found’ in a district in which he could be served with process; that is, in a district which may assert personal jurisdiction over the defendant.”

FACTS

I. The Photographs at Issue in this Lawsuit

7. On May 27, 2023, Lauren Baker captured the photographs, “IMG_8841,” “IMG_8840,” “IMG_8839,” “IMG_8838,” “IMG_8837,” “IMG_8836,” “IMG_8835,” (“Copyrighted Photographs”) copies of which are exhibited below:









8. Copyrighted Photographs were registered by Lauren Baker with the United States Copyright Office on April 29, 2024 (Registration No.: VA 2-407-955).

9. For all times relevant to this action, Plaintiff has been the author and exclusive copyright holder of all copyright rights in and to Copyrighted Photographs. As such, Plaintiff is entitled to institute and maintain this action for copyright infringement. See 17 U.S.C. § 501(b).

II. Defendants' Unlawful Activities

10. Beginning on or about June 1, 2023, Defendants copied, posted, or caused to be posted Copyrighted Photographs to the Stellar MLS (Multiple Listing Service) website, www.stellar.mlsmatrix.com/matrix ("MLS Infringements"), for the following properties for rent or sale in San Antonio, Florida 33576:

- 10292 Trumpet Honeysuckle Way
- 10334 Trumpet Honeysuckle Way
- 10336 Trumpet Honeysuckle Way
- 10330 Honey Hammock Way
- 10334 Honey Hammock Way
- 10958 Gable Dig Loop
- 10371 Trumpet Honeysuckle Way

- 11012 Gable Dig Loop
- 10998 Gable Dig Loop
- 10337 Trumpet Honeysuckle Way
- 10288 Honey Hammock Way
- 10992 Gable Dig Loop
- 10335 Honey Hammock Way
- 10894 Gable Dig Loop
- 10874 Gable Dig Loop
- 10856 Gable Dig Loop
- 11545 Radiant Shore Loop
- 32126 Pop Ash Place
- 11442 Radiant Shore Loop
- 32131 Pop Ash Place
- 10347 Honey Hammock Way
- 11672 Radiant Shore Loop
- 11650 Radiant Shore Loop
- 11677 Radiant Shore Loop
- 10694 Tupper Cay Drive
- 11570 Radiant Shore Loop
- 32325 Wishing Haven Drive
- 10761 Tupper Cay Drive
- 32324 Wishing Haven Drive
- 10675 Tupper Cay Drive
- 11385 Linden Depot Road
- 32301 Wishing Haven Drive
- 10631 Tupper Cay Drive
- 11484 Radiant Shore Loop
- 10686 Tupper Cay Drive
- 10678 Tupper Cay Drive
- 10658 Tupper Cay Drive
- 11377 Linden Depot Road
- 11457 Linden Depot Road
- 11595 Radiant Shore Loop
- 11498 Radiant Shore Loop
- 10742 Tupper Cay Drive
- 11437 Linden Depot Road
- 11401 Linden Depot Road
- 32310 Wishing Haven Drive
- 11445 Linden Depot Road
- 11478 Linden Depot Road

- 32338 Cannon Rush Drive
- 10342 Trumpet Honeysuckle Way
- 10352 Honey Hammock Way
- 10356 Trumpet Honeysuckle Way
- 10374 Trumpet Honeysuckle Way
- 10370 Trumpet Honeysuckle Way
- 10338 Trumpet Honeysuckle Way
- 10320 Trumpet Honeysuckle Way
- 10375 Trumpet Honeysuckle Way
- 10356 Honey Hammock Way
- 10365 Trumpet Honeysuckle Way
- 10360 Honey Hammock Way
- 10346 Honey Hammock Way
- 10379 Trumpet Honeysuckle Way
- 10387 Trumpet Honeysuckle Way
- 32038 Powderpuff Mimosa Drive
- 11011 Gable Dig Loop
- 10948 Gable Dig Loop
- 11016 Gable Dig Loop
- 32220 Cannon Rush Drive
- 10954 Gable Dig Loop
- 11008 Gable Dig Loop
- 32164 Powderpuff Mimosa Drive
- 11004 Gable Dig Loop
- 10315 Honey Hammock Way
- 11629 Radiant Shore Loop
- 10303 Honey Hammock Way
- 10428 Lavender Aster Trail
- 32132 Pop Ash Place
- 32135 Pop Ash Place
- 10321 Honey Hammock Way
- 10341 Honey Hammock Way
- 10359 Honey Hammock Way
- 11306 Linden Depot Road
- 11708 Radiant Shore Loop
- 32100 Powderpuff Mimosa Drive
- 11738 Radiant Shore Loop
- 11742 Radiant Shore Loop
- 11265 Linden Depot Road
- 11465 Linden Depot Road

- 11429 Linden Depot Road
- 11415 Linden Depot Road
- 11571 Radiant Shore Loop
- 11530 Radiant Shore Loop
- 10683 Tupper Cay Drive
- 11750 Radiant Shore Loop
- 11686 Radiant Shore Loop
- 11642 Radiant Shore Loop
- 11607 Radiant Shore Loop
- 11721 Radiant Shore Loop
- 11524 Radiant Shore Loop
- 11634 Radiant Shore Loop
- 11714 Radiant Shore Loop
- 11460 Linden Depot Road
- 11384 Linden Depot Road
- 11701 Radiant Shore Loop
- 11664 Radiant Shore Loop
- 10653 Tupper Cay Drive
- 11743 Radiant Shore Loop
- 11333 Linden Depot Road
- 11400 Linden Depot Road
- 10646 Tupper Cay Drive
- 11393 Linden Depot Road
- 11307 Linden Depot Road
- 11358 Linden Depot Road
- 11428 Linden Depot Road
- 32302 Wishing Haven Drive
- 32260 Cannon Rush Drive
- 32279 Cannon Rush Drive
- 32248 Cannon Rush Drive
- 32303 Cannon Rush Drive
- 32274 Cannon Rush Drive
- 11093 Linden Depot Road
- 31670 Cannon Rush Drive
- 10969 Gable Dig Loop
- 11028 Radiant Shore Loop
- 11078 Radiant Shore Loop
- 11042 Radiant Shore Loop
- 10378 Honey Hammock Way
- 32115 Powderpuff Mimosa Drive

- 10388 Trumpet Honeysuckle Way
- 10398 Trumpet Honeysuckle Way
- 32131 Powderpuff Mimosa Drive
- 32111 Powderpuff Mimosa Drive
- 32073 Powderpuff Mimosa Drive
- 32137 Powderpuff Mimosa Drive
- 32157 Powderpuff Mimosa Drive
- 10400 Trumpet Honeysuckle Way
- 32153 Powderpuff Mimosa Drive
- 32171 Powderpuff Mimosa Drive
- 32167 Powderpuff Mimosa Drive
- 10417 Lavender Aster Trail
- 10447 Lavender Aster Trail
- 10374 Honey Hammock Way
- 32163 Powderpuff Mimosa Drive
- 32121 Powderpuff Mimosa Drive
- 32117 Powderpuff Mimosa Drive
- 32127 Powderpuff Mimosa Drive
- 10429 Lavender Aster Trail
- 10425 Lavender Aster Trail
- 10421 Lavender Aster Trail
- 32251 Powderpuff Mimosa Drive
- 32197 Powderpuff Mimosa Drive
- 32193 Powderpuff Mimosa Drive
- 10413 Lavender Aster Trail
- 10455 Lavender Aster Trail
- 32125 Powderpuff Mimosa Drive
- 31524 Magna Gulf Loop
- 10407 Lavender Aster Trail
- 32211 Powderpuff Mimosa Dr Drive
- 32187 Powderpuff Mimosa Dr Drive
- 32181 Cannon Rush Drive
- 10451 Lavender Aster Trail
- 10433 Lavender Aster Trail
- 32048 Cannon Rush Drive
- 32153 Cannon Rush Drive
- 32140 Cannon Rush Drive
- 10359 Lavender Aster Trail
- 32180 Cannon Rush Drive
- 32168 Cannon Rush Drive

- 32211 Cannon Rush Drive
- 32146 Powderpuff Mimosa Drive
- 11772 Radiant Shore Loop
- 10958 Radiant Shore Loop
- 32235 Cannon Rush Drive
- 32039 Pop Ash Place
- 32071 Pop Ash Place
- 10981 Gable Dig Loop
- 32052 Powderpuff Mimosa Drive
- 32124 Powderpuff Mimosa Drive
- 32192 Cannon Rush Drive
- 10392 Lavender Aster Trail
- 32134 Powderpuff Mimosa Drive
- 32094 Powderpuff Mimosa Drive
- 11014 Radiant Shore Loop
- 32112 Powderpuff Mimosa Drive
- 10376 Lavender Aster Trail
- 32070 Powderpuff Mimosa Drive
- 32059 Pop Ash Place
- 32062 Powderpuff Mimosa Drive
- 11193 Linden Depot Road
- 10380 Lavender Aster Trail
- 32046 Powderpuff Mimosa Drive
- 11756 Radiant Shore Loop
- 11244 Linden Depot Road
- 11000 Radiant Shore Loop
- 32088 Powderpuff Mimosa Drive
- 32056 Powderpuff Mimosa Drive
- 32140 Powderpuff Mimosa Drive
- 32106 Powderpuff Mimosa Drive
- 32085 Pop Ash Place
- 11257 Linden Depot Road
- 11205 Linden Depot Road
- 11180 Linden Depot Road
- 11237 Linden Depot Road
- 11210 Linden Depot Road
- 11177 Linden Depot Road
- 11123 Linden Depot Road
- 10502 Tupper Cay Drive
- 11022 Radiant Shore Loop

- 11100 Radiant Shore Loop
- 11048 Radiant Shore Loop
- 32016 Hawthorne Cottage Place
- 11021 Radiant Shore Loop
- 11278 Linden Depot Road
- 11151 Linden Depot Road
- 11751 Radiant Shore Loop
- 10981 Radiant Shore Loop
- 11737 Radiant Shore Loop
- 11788 Radiant Shore Loop
- 11131 Linden Depot Road
- 11092 Linden Depot Road
- 10534 Tupper Cay Drive
- 10623 Tupper Cay Drive
- 10518 Gable Dig Loop
- 32086 Hawthorne Cottage Place
- 10639 Tupper Cay Drive
- 10502 Gable Dig Loop
- 10482 Gable Dig Loop
- 11289 Linden Depot Road
- 10460 Gable Dig Loop
- 11172 Linden Depot Road
- 11065 Linden Depot Road
- 11270 Linden Depot Road
- 11006 Radiant Shore Loop
- 11222 Linden Depot Road
- 11294 Linden Depot Road
- 10970 Radiant Shore Loop
- 10510 Gable Dig Loop
- 11070 Radiant Shore Loop
- 10992 Radiant Shore Loop
- 11064 Radiant Shore Loop
- 11759 Radiant Shore Loop
- 11034 Radiant Shore Loop
- 11109 Linden Depot Road
- 10523 Gable Dig Loop
- 11134 Linden Depot Road
- 11058 Radiant Shore Loop
- 11079 Linden Depot Road
- 11163 Linden Depot Road

- 10499 Gable Dig Loop
- 11091 Radiant Shore Loop
- 11764 Radiant Shore Loop
- 11797 Radiant Shore Loop
- 10490 Gable Dig Loop
- 11277 Linden Depot Road
- 10507 Gable Dig Loop
- 11084 Radiant Shore Loop
- 10460 Tupper Cay Drive
- 10615 Tupper Cay Drive
- 11796 Radiant Shore Loop
- 11009 Radiant Shore Loop
- 10583 Tupper Cay Drive
- 10540 Tupper Cay Drive
- 11139 Linden Depot Road
- 11039 Radiant Shore Loop
- 11124 Linden Depot Road
- 10964 Radiant Shore Loop
- 10474 Gable Dig Loop
- 10995 Radiant Shore Loop
- 11258 Linden Depot Road
- 10609 Tupper Cay Drive
- 10510 Tupper Cay Drive
- 11164 Linden Depot Road
- 10610 Tupper Cay Drive
- 10634 Tupper Cay Drive
- 11185 Linden Depot Road
- 11194 Linden Depot Road
- 11213 Linden Depot Road
- 11150 Linden Depot Road
- 10597 Tupper Cay Drive
- 11229 Linden Depot Road
- 10548 Tupper Cay Drive
- 10534 Gable Dig Loop
- 11286 Linden Depot Road
- 11245 Linden Depot Road
- 10296 Trumpet Honeysuckle Way
- 10300 Trumpet Honeysuckle Way
- 10302 Trumpet Honeysuckle Way
- 10306 Trumpet Honeysuckle Way

11. Examples of MLS Infringements are illustrated below:

Matrix

https://stellar.mlsmatrix.com/Matrix/Results.aspx?c=H4sIAAAAAAIAIRWMjSzMFLSUQJhSyA2NgPzgMy80pwcCKfKZizMJYJQMj

Stellar Support: 800-686-7451 | Logout

StellarMLS MY MATRIX SEARCH STATS TAX LINKS FINANCE ADD/EDIT MARKET REPORTS OMNI MLS

RES Include other criteria Recent Searches

Criteria Map Results

Previous Next 281 of 298 Checked 0 All None Page Agent Single Line display Display 360 Property View at 1 per page

11307 LINDEN DEPOT ROAD, SAN ANTONIO, Florida 33576 View Comparable Properties

Listing Tax Photos History Parcel Map Flood Map Foreclosure

T3479224 11307 LINDEN DEPOT RD, SAN ANTONIO, FL 33576

County: Pasco Status: Sold
Subdiv: MIRADA Backups Requested: No
Subdiv/Condo: On Market Date: 10/13/2023
Beds: 6 List Price: \$498,660
Baths: 3/0 Year Built: 2024
Pool: None Special Sale: None
Property Style: Single Family Residence ADOM: 66
Total Acreage: 0 to less than 1/4 CDOM: 66
Garage: Yes Attch: Yes Spcs: 2 Pets: Yes
Garage/Parking Features: Carport: No Spcs:
Assigned Spcs: Heated Area: 3,326 SqFt / 309 SqM
LP/SqFt: \$149.93 Total Area: 3,726 SqFt / 346 SqM
New Construction: Yes
Total Annual Assoc Fees: \$948.04
Average Monthly Fees: \$79.00
Flood Zone Code: X
Builder Name: LENNAR Sold Date: 04/12/2024
Builder Model: TRENTON Sold Price: \$494,900
Permit Number: 00 SP / SqFt: \$148.80
Proj Comp Date: 04/12/2024

12 / 24 Virtual Tour 1: Click Here

Actions Refine Save Carts

Criteria Email Print Share Link CMA Directions Stats Export Quick CMA Cloud CMA ShowingCart Custom PDF Reports

Matrix

https://stellar.mlsmatrix.com/Matrix/Results.aspx?c=H4sIAAAAAAIAIRWMjSzMFLSUTIBYKsgNjYzgpF5pTk5EELJyBiZSwShZAg0

Stellar Support: 800-686-7451 | Logout

StellarMLS MY MATRIX SEARCH STATS TAX LINKS FINANCE ADD/EDIT MARKET REPORTS OMNI MLS

RES Include other criteria Recent Searches

Criteria Map Results

Previous Next 1 of 92 Checked 0 All None Page Agent Single Line display Display 360 Property View at 1 per page

10378 HONEY HAMMOCK WAY, SAN ANTONIO, Florida 33576 View Comparable Properties

Listing Tax Photos History Parcel Map Flood Map Foreclosure

T3473216 10378 HONEY HAMMOCK WAY, SAN ANTONIO, FL 33576

County: Pasco Status: Sold
Subdiv: MIRADA TOWNHOMES Backups Requested: No
Subdiv/Condo: On Market Date: 09/18/2023
Beds: 3 List Price: \$274,900
Baths: 2/1 Year Built: 2024
Pool: None Special Sale: None
Property Style: Townhouse ADOM: 32
Total Acreage: 0 to less than 1/4 CDOM: 32
Garage: Yes Attch: Yes Spcs: 1 Pets: Yes
Garage/Parking Features: Carport: No Spcs:
Assigned Spcs: Heated Area: 1,666 SqFt / 155 SqM
LP/SqFt: \$165.01 Total Area: 1,866 SqFt / 173 SqM
New Construction: Yes
Total Annual Assoc Fees: \$4,430.04
Average Monthly Fees: \$369.17
Flood Zone Code: X
Builder Name: LENNAR Sold Date: 02/23/2024
Builder Model: ST. THOMAS Sold Price: \$274,900
Permit Number: 00 SP / SqFt: \$165.01
Proj Comp Date: 03/01/2024

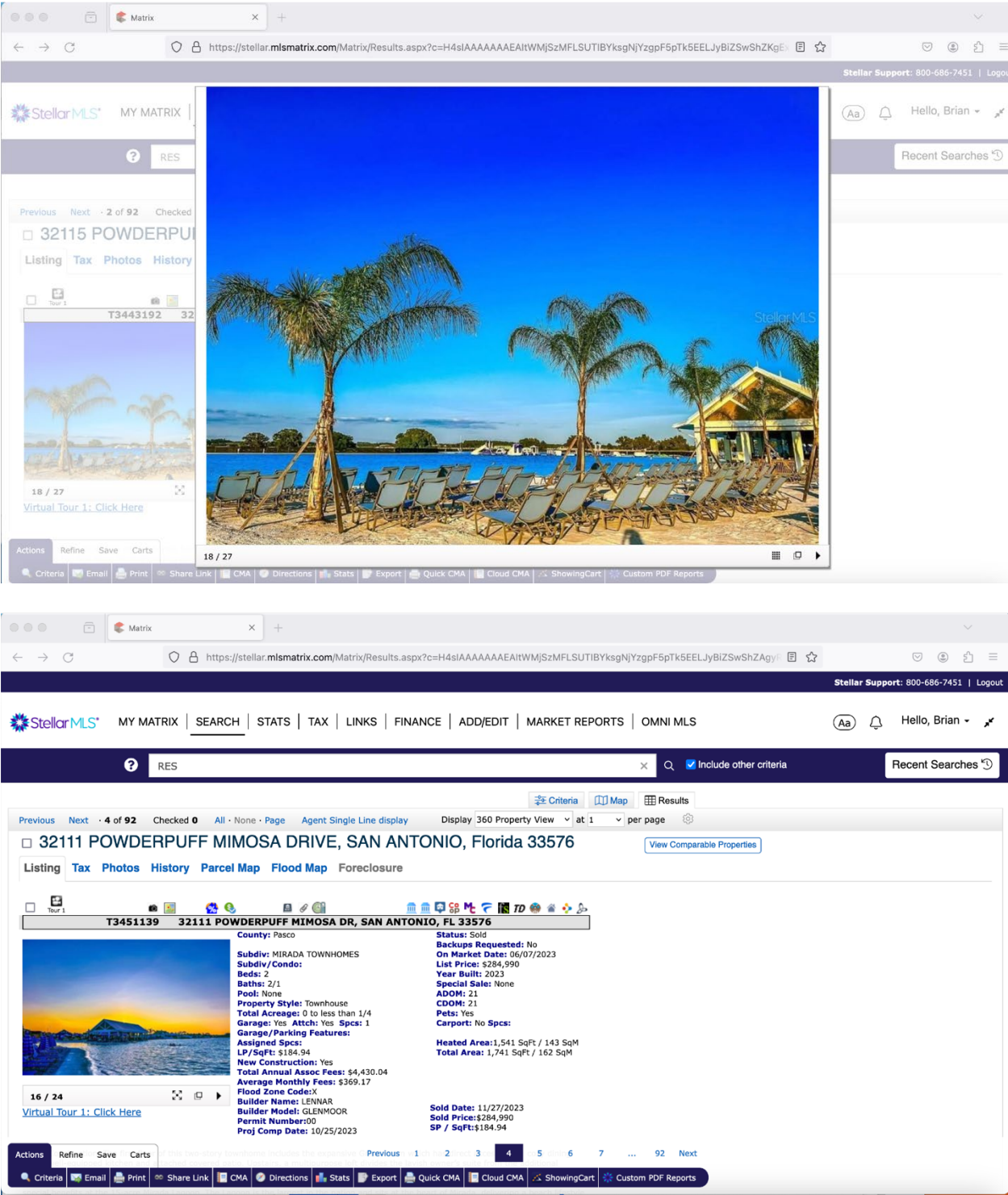
16 / 22 Virtual Tour 1: Click Here

Under Construction. Luxury is in the details of this charming two-story townhome. The first floor enjoys an airy design among the spacious living room, kitchen and dining room, opening to the covered patio for serene outdoor moments. Upstairs, an adaptable central loft leads to two secondary bedrooms and the tranquil owner's suite. The owner's suite is in a privately situated corner, showcasing a full-sized bathroom and large walk-in closet. Interior photos disclosed are different from the actual model being built. Mirada is a masterplan community in San Antonio, FL, with townhomes and single-family homes now selling. All residents of Mirada will enjoy special benefits at the 15-acre Mirada Lagoon. The Lagoon is the largest in the nation and sits at the heart of Mirada, delivering a beach lifestyle with swimming, kayaking, paddleboarding and

A playground and a dog park are the first parks in

Actions Refine Save Carts

Criteria Email Print Share Link CMA Directions Stats Export Quick CMA Cloud CMA ShowingCart Custom PDF Reports



StellarMLS MY MATRIX SEARCH STATS TAX LINKS FINANCE ADD/EDIT MARKET REPORTS OMNI MLS Hello, Brian

RES Include other criteria Recent Searches

Previous Next 6 of 92 Checked 0 All None Page Agent Single Line display Display 360 Property View at 1 per page

32137 POWDERPUFF MIMOSA DRIVE, SAN ANTONIO, Florida 33576 View Comparable Properties

Listing Tax Photos History Parcel Map Flood Map Foreclosure

T3451141 32137 POWDERPUFF MIMOSA DR, SAN ANTONIO, FL 33576

County: Pasco Status: Sold

Subdiv: MIRADA TOWNHOMES Backups Requested: No

Subdiv/Condo: On Market Date: 06/07/2023

Beds: 2 List Price: \$286,990

Baths: 2/1 Year Built: 2023

Pool: None Special Sale: None

Property Style: Townhouse ADOM: 22

Total Acreage: 0 to less than 1/4 CDOM: 22

Garage: Yes Attch: Yes Spcs: 1 Pets: Yes

Garage/Parking Features: Carport: No Spcs:

Assigned Spcs: Heated Area: 1,541 SqFt / 143 SqM

LP/SqFt: \$186.24 Total Area: 1,741 SqFt / 162 SqM

New Construction: Yes

Total Annual Assoc Fees: \$4,430.04

Average Monthly Fees: \$369.17

Flood Zone Code: X

Builder Name: LENNAR

Builder Model: GLENMOOR

Sold Date: 11/28/2023

Permit Number: 00

Sold Price: \$286,990

Proj Comp Date: 10/25/2023

SP / SqFt: \$186.24

Virtual Tour 1: Click Here

Actions Refine Save Carts

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StellarMLS MY MATRIX SEARCH STATS TAX LINKS FINANCE ADD/EDIT MARKET REPORTS OMNI MLS Hello, Brian

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Previous Next 27 of 92 Checked 0 All None Page Agent Single Line display Display 360 Property View at 1 per page

32197 POWDERPUFF MIMOSA DRIVE, SAN ANTONIO, Florida 33576 View Comparable Properties

Listing Tax Photos History Parcel Map Flood Map Foreclosure

T3473190 32197 POWDERPUFF MIMOSA DR, SAN ANTONIO, FL 33576

County: Pasco Status: Sold

Subdiv: MIRADA TOWNHOMES Backups Requested: No

Subdiv/Condo: On Market Date: 09/18/2023

Beds: 3 List Price: \$299,900

Baths: 2/1 Year Built: 2024

Pool: None Special Sale: None

Property Style: Townhouse ADOM: 14

Total Acreage: 0 to less than 1/4 CDOM: 14

Garage: Yes Attch: Yes Spcs: 1 Pets: Yes

Garage/Parking Features: Carport: No Spcs:

Assigned Spcs: Heated Area: 1,634 SqFt / 152 SqM

LP/SqFt: \$183.54 Total Area: 1,834 SqFt / 170 SqM

New Construction: Yes

Total Annual Assoc Fees: \$4,430.04

Average Monthly Fees: \$369.17

Flood Zone Code: X

Builder Name: LENNAR

Builder Model: HAMPTON

Sold Date: 02/20/2024

Permit Number: 00

Sold Price: \$299,900

Proj Comp Date: 12/22/2023

SP / SqFt: \$183.54

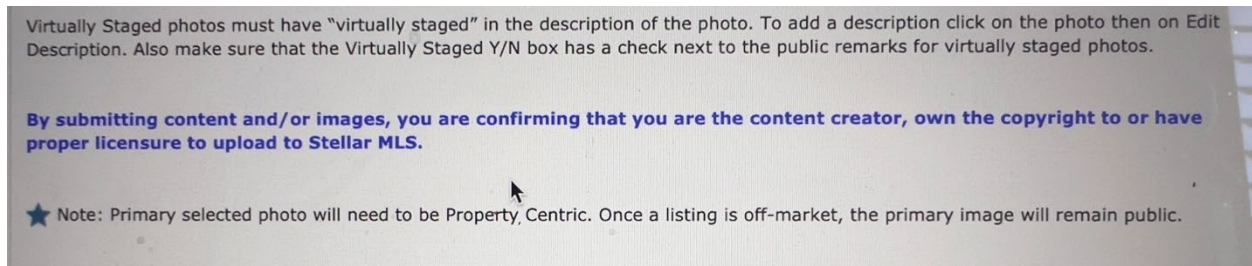
Virtual Tour 1: Click Here

Actions Refine Save Carts

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12. Before uploading its unauthorized copies of Copyrighted Photographs to Stellar MLS, Defendants falsely attested they were the author of, copyright holder of, or were properly licensed to upload Copyrighted Photographs.

13. Before uploading its unauthorized copies of Copyrighted Photographs to Stellar MLS, Defendants falsely attested to the following: “By submitting content and/or images, you are confirming that you are the content creator, own the copyright to or have proper licensure to upload to Stellar MLS:”



14. Beginning on or about June 1, 2023, Defendants copied, posted, or caused to be posted Copyrighted Photographs to Zillow (“Zillow Infringements”), www.zillow.com, for the following property listings in San Antonio, Florida 33576:

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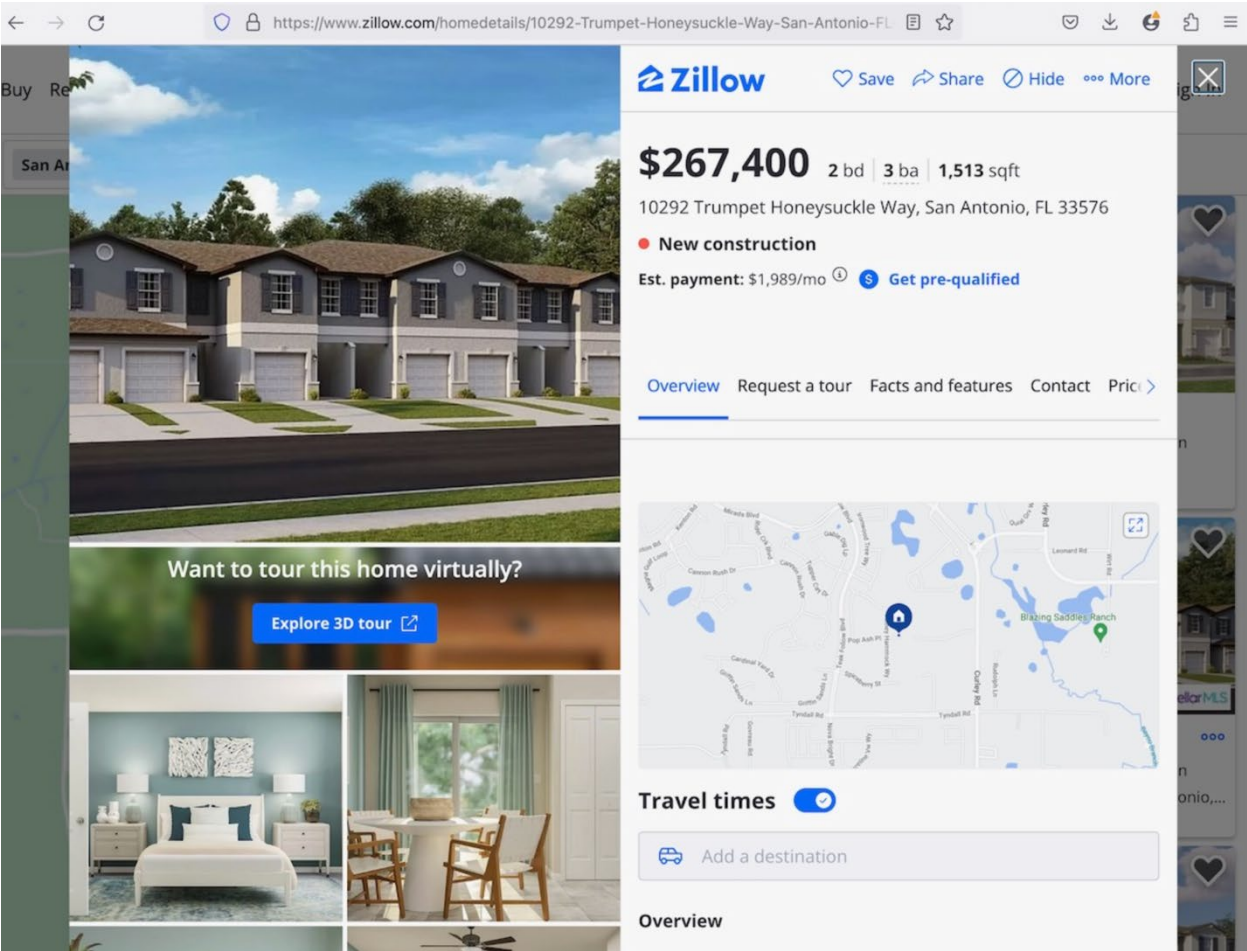
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- 32070 Powderpuff Mimosa Drive
- 32059 Pop Ash Place
- 32062 Powderpuff Mimosa Drive
- 11193 Linden Depot Road
- 10380 Lavender Aster Trail
- 32046 Powderpuff Mimosa Drive
- 11756 Radiant Shore Loop
- 11244 Linden Depot Road
- 11000 Radiant Shore Loop
- 32088 Powderpuff Mimosa Drive
- 32056 Powderpuff Mimosa Drive
- 32140 Powderpuff Mimosa Drive
- 32106 Powderpuff Mimosa Drive
- 32085 Pop Ash Place
- 11257 Linden Depot Road
- 11205 Linden Depot Road
- 11180 Linden Depot Road
- 11237 Linden Depot Road
- 11210 Linden Depot Road
- 11177 Linden Depot Road
- 11123 Linden Depot Road
- 10502 Tupper Cay Drive
- 11022 Radiant Shore Loop
- 11100 Radiant Shore Loop
- 11048 Radiant Shore Loop
- 32016 Hawthorne Cottage Place
- 11021 Radiant Shore Loop
- 11278 Linden Depot Road
- 11151 Linden Depot Road
- 11751 Radiant Shore Loop
- 10981 Radiant Shore Loop
- 11737 Radiant Shore Loop
- 11788 Radiant Shore Loop
- 11131 Linden Depot Road
- 11092 Linden Depot Road
- 10534 Tupper Cay Drive
- 10623 Tupper Cay Drive

- 10518 Gable Dig Loop
- 32086 Hawthorne Cottage Place
- 10639 Tupper Cay Drive
- 10502 Gable Dig Loop
- 10482 Gable Dig Loop
- 11289 Linden Depot Road
- 10460 Gable Dig Loop
- 11172 Linden Depot Road
- 11065 Linden Depot Road
- 11270 Linden Depot Road
- 11006 Radiant Shore Loop
- 11222 Linden Depot Road
- 11294 Linden Depot Road
- 10970 Radiant Shore Loop
- 10510 Gable Dig Loop
- 11070 Radiant Shore Loop
- 10992 Radiant Shore Loop
- 11064 Radiant Shore Loop
- 11759 Radiant Shore Loop
- 11034 Radiant Shore Loop
- 11109 Linden Depot Road
- 10523 Gable Dig Loop
- 11134 Linden Depot Road
- 11058 Radiant Shore Loop
- 11079 Linden Depot Road
- 11163 Linden Depot Road
- 10499 Gable Dig Loop
- 11091 Radiant Shore Loop
- 11764 Radiant Shore Loop
- 11797 Radiant Shore Loop
- 10490 Gable Dig Loop
- 11277 Linden Depot Road
- 10507 Gable Dig Loop
- 11084 Radiant Shore Loop
- 10460 Tupper Cay Drive
- 10615 Tupper Cay Drive
- 11796 Radiant Shore Loop
- 11009 Radiant Shore Loop
- 10583 Tupper Cay Drive
- 10540 Tupper Cay Drive

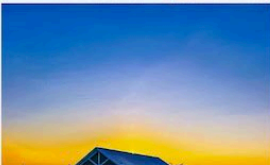






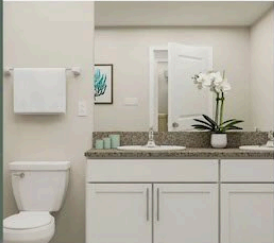




- 11139 Linden Depot Road
- 11039 Radiant Shore Loop
- 11124 Linden Depot Road
- 10964 Radiant Shore Loop
- 10474 Gable Dig Loop
- 10995 Radiant Shore Loop
- 11258 Linden Depot Road
- 10609 Tupper Cay Drive
- 10510 Tupper Cay Drive
- 11164 Linden Depot Road
- 10610 Tupper Cay Drive
- 10634 Tupper Cay Drive
- 11185 Linden Depot Road
- 11194 Linden Depot Road
- 11213 Linden Depot Road
- 11150 Linden Depot Road
- 10597 Tupper Cay Drive
- 11229 Linden Depot Road
- 10548 Tupper Cay Drive
- 10534 Gable Dig Loop
- 11286 Linden Depot Road
- 11245 Linden Depot Road
- 10296 Trumpet Honeysuckle Way
- 10300 Trumpet Honeysuckle Way
- 10302 Trumpet Honeysuckle Way
- 10306 Trumpet Honeysuckle Way


15. Examples of Zillow Infringements are illustrated below:



Buy Re

San An






Save Share Hide More

\$267,400

2 bd 3 ba 1,513 sqft

10292 Trumpet Honeysuckle Way, San Antonio, FL 33576

New construction

Est. payment: \$1,989/mo 

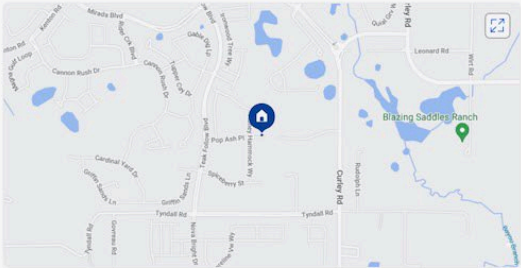
Overview

Request a tour


Facts and features

Contact

Price



Travel times



Overview

9 days on Zillow | 171 views | 3 saves

Under Construction. BRAND NEW HOME!! - This contemporary two-story townhome features a modern open-concept layout among the Great Room, kitchen and dining space on the first floor. Through sliding glass doors is a covered patio for outdoor moments. Upstairs, a loft joins a bedroom with attached bathroom and the comfortable owner's suite with a walk-in closet. Completing the home is a one-car garage. Interior photos disclosed are different from the actual model being built. • Mirada is a masterplan community in San

Read more

https://www.zillow.com/homedetails/10292-Trumpet-Honeysuckle-Way-San-Antonio-FL-33576/2052836913_zpid/?altId=13910001_lot:3036712#

First Amended Complaint

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[More](#)

\$289,900

2 bd | 2 ba | 1,398 sqft

11012 Gable Dig Loop, San Antonio, FL 33576

Pending

Est. payment: \$2,306/mo [Get pre-qualified](#)

[Request tour](#)
as early as tomorrow at 10:00 am
 [Contact builder](#)

Visit the **Mirada Active Adult : Active Adult Villas** website

[Overview](#)
[Request a tour](#)
[Facts and features](#)
[Contact](#)

everyday living. Nearby are glass-siders that lead to a cozy covered patio, ideal for outdoor activities. Interior photos disclosed are different from the actual model being built. •

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[SPORTS COURTS](#)
[DINING ROOM](#)
[OPEN FLOORPLAN](#)

[WALK-IN CLOSET](#)
[STYLISH KITCHEN](#)

[NEW SINGLE-FAMILY HOMES](#)

Builder: Lennar

Call: (863) 694-0575

Learn more about the builder:
[View builder profile](#)

Listing Provided by:: Ben Goldstein 813-917-9080
LENNAR REALTY 813-917-9080

Source: Stellar MLS / MFRMLS, MLS#: T3487474 [StellarMLS](#)

Community
Mirada Active Adult : Active Adult Villas
Source: Lennar Homes

Want to tour this home virtually?

[Explore 3D tour](#)

StellarMLS

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Zillow Save Share Hide More

\$334,900 2 bd | 2 ba | 1,616 sqft

10948 Gable Dig Loop, San Antonio, FL 33576

● Pending

Est. payment: \$2,263/mo ⓘ [Get pre-qualified](#)

[Request tour](#) as early as tomorrow at 10:00 am [Contact builder](#)

Visit the **Mirada Active Adult : Active Adult Villas** website

[Overview](#) [Request a tour](#) [Facts and features](#) [Contact](#) [Com](#)

[Read more](#)

[OPEN FLOORPLAN](#) [FAMILY ROOM](#) [VERSATILE FLEX ROOM](#)

[NEW SINGLE-FAMILY HOMES](#) [WELL-EQUIPPED KITCHEN](#)

[SPORTS COURTS](#)

Builder: Lennar
Call: (863) 694-0575

Learn more about the builder:
[View builder profile](#)

Listing Provided by: Ben Goldstein 813-917-9080
LENNAR REALTY 813-917-9080

Source: Stellar MLS / MFRMLS, MLS#: T3484408

Community
Mirada Active Adult : Active Adult Villas
Source: Lennar Homes

Want to tour this home virtually?
[Explore 3D tour](#)

Interested in touring this home?
[Request tour](#)

StellarMLS

IDX information is provided exclusively for personal, non-commercial use, and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing. Information is deemed reliable but not guaranteed. Some IDX listings have been excluded from this website.

The listing broker's offer of compensation is made only to participants

16. Zillow Infringements included the following information: “Builder: Lennar, Call: (863) 694-0575,” Listing Provided by: Ben Goldstein 813-917-9080, LENNAR REALTY 813-917-9080,” and “Source: Stellar MLS / MFRMLS, MLS# T3484408.”

17. Defendants are not and have never been licensed to use or display Copyrighted Photographs. Defendants never contacted Plaintiff to seek permission to use Copyrighted Photographs in connection with its website or for any other purpose.

18. Upon information and belief, Defendants located copies of Copyrighted Photographs on the internet and, rather than contact Plaintiff to secure licenses, simply copied Copyrighted Photographs for its own commercial use.

19. Plaintiff first discovered Defendants' unauthorized use/display of Copyrighted Photographs on or about March 6, 2024. Following Plaintiff's discovery, Plaintiff notified Defendants in writing of such unauthorized use. To date, Plaintiff has been unable to negotiate a reasonable license for the past infringement of Copyrighted Photographs.

COUNT I: COPYRIGHT INFRINGEMENT

20. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.

21. Copyrighted Photographs are original works of authorship, embodying copyrightable subject matter, and therefore subject to the full protection of the United States copyright laws (17 U.S.C. § 101 et seq.).

22. Lauren Baker owns a valid copyright in Copyrighted Photographs, having registered Copyrighted Photographs with the Register of Copyrights.

23. Plaintiff has standing to bring this lawsuit and assert the claim(s) herein as it has sufficient rights, title, and interest to such copyright.

24. Defendants reproduced, distributed, and publicly displayed Copyrighted Photographs without authorization from Plaintiff.

25. By its actions, Defendants infringed and violated Plaintiff's exclusive rights in violation of the Copyright Act, 17 U.S.C. § 501, by reproducing, distributing, and publicly displaying Copyrighted Photographs for its own commercial purposes.

26. Defendants' infringement was willful as it acted with actual knowledge or reckless disregard for whether its conduct infringed upon Plaintiff's copyright.

27. Plaintiff has been damaged as a direct and proximate result of Defendants' infringement.

28. Plaintiff is entitled to recover its actual damages resulting from Defendants' unauthorized use of Copyrighted Photographs and, at Plaintiff's election (pursuant to 17 U.S.C. § 504(b)), Plaintiff is entitled to recover damages based on a disgorgement of Defendants' profits from infringement of Copyrighted Photographs, which amounts shall be proven at trial.

29. Alternatively, to the extent infringement by Defendants of Copyrighted Photographs occurred post-registration or within the three (3) month period between first publication and registration, and at Plaintiff's election, Plaintiff is entitled to statutory damages pursuant to 17 U.S.C. § 504(c), in such amount as deemed proper by the Court.

30. To the extent infringement by Defendants of Copyrighted Photographs occurred post-registration or within the three (3) month-period between first publication and registration, Plaintiff is further entitled to recover its costs and attorneys' fees as a result of Defendants' conduct pursuant to 17 U.S.C. § 505 for such infringement of the corresponding Copyrighted Photographs.

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

- a. A declaration that Defendants have infringed Plaintiff's copyrights in Copyrighted Photographs;
- b. A declaration that such infringement is willful (to the extent applicable);
- c. An award of actual damages and disgorgement of profits as the Court deems proper or, at Plaintiff's election (to the extent applicable), an award of statutory damages for willful infringement up to \$150,000.00 for infringement of each photograph comprising the Work.
- d. Awarding Plaintiff its costs and (if applicable) reasonable attorneys' fees pursuant to 17 U.S.C. § 505;
- e. Awarding Plaintiff interest, including prejudgment interest, on the foregoing amounts;
- f. Permanently enjoining Defendants, their employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all those in active concert and participation with Defendants, from directly or indirectly infringing Plaintiff's copyrights or continuing to display, transfer, advertise, reproduce, or otherwise market Copyrighted Photographs or to participate or assist in any such activity; and
- g. For such other relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims for which there is a right to jury trial.

Dated: November 4, 2024

Respectfully submitted,

/s/ Janelle A. Weber
Janelle A. Weber
Florida Bar No. 17630
Manta Law
4039 Gunn Highway
Tampa, FL 33618
813-982-3363, Telephone
jweber@mantalaw.com
Counsel for Plaintiff

-and-

/s/ David C. Deal
David C. Deal
VA Bar No. 86005
The Law Office of David C. Deal, P.L.C.
117 4th Street NE
Charlottesville, VA 22902
434-233-2727, Telephone
david@daviddeal.com
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 4, 2024, I electronically filed the foregoing using CM/ECF, which will serve by email all counsel of record, including:

Eleanor M. Yost
David R. Wright
CARLTON FIELDS, P.A.
4221 W. Boy Scout Blvd., Ste. 1000
Tampa, FL 33607
eyost@carltonfields.com
dwright@carltonfields.com

/s/ Janelle A. Weber
Janelle A. Weber